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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,897	12/26/2001	Vladimir S. Zaborovsky	FRACX 100	5179

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EXAMINER

FIELDS, COURTNEY D

ART UNIT PAPER NUMBER

2137

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/036,897	Applicant(s) ZABOROVSKY ET AL.	
	Examiner Courtney D. Fields	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 has been amended.
2. Claims 1-8 are pending.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection, in view of Baehr et al. (U.S. Patent No. 5,878,231).

Claim Objections

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).
5. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. See MPEP § 608.01(n).

6. Therefore, claim 2 is improperly dependent upon claim 8. Please renumber claims 2-8.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Baehr et al. (US Patent No. 5,878,231).

Regarding claim 1, Baehr et al. discloses an apparatus and method for providing a secure firewall between a private network and a public network. The apparatus combined with a computer network for packets delivery with headers that contain logical and physical addresses of at least one of the sender and the receiver of information (See Column 5, lines 61-77, Column 6, lines 1-19), the apparatus comprising: a network screen connected to the computer network and through which the packets pass (See Column 2, lines 10-24), wherein the network screen splits the computer network into at least two segments, has hardware and software means, and at least two network interfaces by which the network screen connects to the computer network for packets exchange between the network segments (See Column 3, lines 17-30 and Column 9, lines 15-17), wherein the software controls the process of packets commutation between the network interfaces based on a set of filtration rules (See Column 9, lines 15-30), does not name logical addresses to the segments, does not send physical addresses to the computer network and at the same time the software permits transit delivery through the network interfaces only to those packets with headers that meet the

filtration rules (See Column 5, lines 61-77, Column 6, lines 1-19, and Column 9, lines 46-53)

Regarding claim 2, Baehr et al. discloses the claimed limitation wherein packets outbound from the device through one of the network interfaces retain in their headers physical address of the at least one sender of the packets by the program that controls the network screen not communicating the physical addresses of its network interfaces (See Column 8, lines 13-30)

Regarding claim 3, Baehr et al. discloses the claimed limitation wherein the network screen is based on a universal computer device having an operating system, more than two network interfaces and special direct interface for editing the filtration rules (See Column 3, lines 17-30 and Column 9, lines 15-17)

Regarding claim 4, Baehr et al. discloses the claimed limitation wherein the filtration rules of the network screen disallow a transit delivery of any messages that do not have special mark and address parameters in their headers (See Column 10, lines 1-34)

Regarding claim 5, Baehr et al. discloses the claimed limitation wherein access to the program of editing the filtration rules is protected by password (See Column 5, lines 38-52)

Regarding claim 6, Baehr et al. discloses the claimed limitation wherein the network screen after processing the packet with the filtration rules keeps unchanged the logical and physical addresses of the sender in the packet's header and the network screen does not name network interfaces with logical addresses and does not send

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their physical addresses to the network segments connected with them and the network screen contains a special direct interface connected thereto to edit the filtration rules and any changes of filtration rules may be processed only through this interface and the program of control provides packet delivery from one network interface to another only when the information in the packet's header satisfies all filter requirements (See Column 5, lines 61-77, Column 6, lines 1-19, and Column 9, lines 46-53)

Regarding claim 7, Baehr et al. discloses the claimed limitation wherein the network screen is a special computer device with an interface operating system universal bus for data exchange with the interfaces and a separate channel of control protected by password (See Column 5, lines 38-52)

Regarding claim 8, Baehr et al. discloses the claimed limitation wherein a special direct interface to define the filtration rules (See Column 6, lines 37-59)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



cdf

August 16, 2006



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER